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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/089,902

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Ahmet Mursit Eskicioglu

RCA 89858

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7590

04/28/2006

Joseph S Tripoli
Thomson Multimedia Licensing
P O Box 5312
Princeton, NJ 08543-5312

EXAMINER

SHIFERAW, ELENI A

ART UNIT

PAPER NUMBER

2136

DATE MAILED: 04/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/089,902	Applicant(s) ESKICIOGLU ET AL.	
	Examiner Eleni A. Shiferaw	Art Unit 2136	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7-20 is/are pending in the application.
 4a) Of the above claim(s) 6 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 02/17/2006 has been entered.

Specification

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-5 and 7-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wasilewski (Patent Number: 5,420,866) in view of Fernsehens "Wunderkiste des digitalen" (herein after, English translation, The Miracle Box of digital television), 1997.

Regarding claim 1, Wasilewski teaches a method for enabling a security device to access a service, the method comprising:

extracting **at least two** service and entitlement control message packet identifier pairs from data associated with said service and automatically identifying one of the extracted pairs according to a predefined convention (col. 5 lines 60-62, figs. 7 & 8, col. 6 lines 65-col. 7 lines 7, and col. 14 lines 45-61; *a remote decoder/set-top-box receives a packet that has multiple different conditional access or elementary streams, each multiple different conditional access has unique different packet identifiers or "packet identifier pairs", with a table to automatically identify and extract the set of multiple different conditional access systems, and the method provides a single transport stream formed from plural different elementary streams representing the different services from the different vendors, the one or more packet identifiers and/or pairs are extracted from the data stream*),

Wasilewski fail to explicitly teach wherein each first one of the received pairs includes a conditional access entitlement control message identifier and a second one of the received pairs includes a local entitlement control message identifier.

However Fernsehens addresses the problem of providing a subscriber with content from different providers wherein conditional access has to be carried out according to respective different systems and/or simulcrypt/Multicrypt and discloses a user receiving with a single set

top box the program selections of several providers, who themselves encrypt according to different methods (page 4 par. 2 of applicant provided English translation paper).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify the teachings of Fernsehens within the system of Wasilewski because it is very well know to have more than one identifier or a pair of identifier of ECM conditional access in a method of broadcasting and they are analogous in digital broadcasting. One would have been motivated to modify the teachings of providing multiple ECMs and including LECM in the multiple ECMs because it would have a different service ECM.

As per claims 4, 17, and 18, Wasilewski teaches a method for enabling a security device to access a service, the method comprising:

extracting the service and entitlement control message packet identifier pairs from data associated with said service (col. 5 lines 60-62, figs. 7 & 8, col. 6 lines 65-col. 7 lines 7, and col. 14 lines 45-61; *a remote decoder/set-top-box receives a packet that has multiple different conditional access or elementary streams, each multiple different conditional access has **unique different packet identifiers or "packet identifier pairs"**, with a table to automatically identify and extract the set of multiple different conditional access systems, and the method provides a single transport stream formed from plural different elementary streams representing the different services from the different vendors, the one or more packet identifiers and/or pairs are extracted from the data stream*); and,

if only one service and entitlement control message packet identifier pair is extracted, identifying the extracted pair (col. 1 lines 27-38, col. 10 lines 29-64, and col. 5 lines 58-63); and,

if more than one service and entitlement control message packet Identifier pair are extracted, automatically identifying at least one of the extracted pairs according to a predefined convention (col. 5 lines 60-62, col. 6 lines 65-col. 7 lines 7, and col. 14 lines 45-61; *a remote decoder/set-top-box receives a packet that has multiple different conditional access or elementary streams, each multiple different conditional access has **unique different packet identifiers** or “**packet identifier pairs**”, with a table to automatically identify and extract the set of multiple different conditional access systems*),

Wasilewski fail to explicitly teach wherein each first one of the received pairs includes a conditional access entitlement control message identifier and a second one of the received pairs includes a local entitlement control message identifier.

However Fernsehens addresses the problem of providing a subscriber with content from different providers wherein conditional access has to be carried out according to respective different systems and/or simulcrypt/Multicrypt and discloses a user receiving with a single set top box the program selections of several providers, who themselves encrypt according to different methods (page 4 par. 2 of applicant provided English translation paper).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify the teachings of Fernsehens within the system of Wasilewski because it is very well know to have more than one identifier or a pair of identifier of ECM conditional access in a method of broadcasting and they are analogous in digital broadcasting. One would have been motivated to modify the teachings of providing multiple ECMs and including LECM in the multiple ECMs because it would have a different service ECM.

Regarding claim 19, Wasilewski teaches a method, comprising:

receiving a datastream including a service (col. 6 lines 27-36; *a decoder receiving a packet that has multiple different conditional access and/or elementary stream and different broadcast programs*);

identifying, in the datastream, service and entitlement control message packet identifier pairs associated with said service (col. 5 lines 60-62, figs. 7 & 8, col. 6 lines 65-col. 7 lines 7, and col. 14 lines 45-61; *a remote decoder/set-top-box receives a packet that has multiple different conditional access or elementary streams, each multiple different conditional access has unique different packet identifiers or "packet identifier pairs", with a table to automatically identify and extract the set of multiple different conditional access systems, and the method provides a single transport stream formed from plural different elementary streams representing the different services from the different vendors, the one or more packet identifiers and/or pairs are extracted from the data stream*),

determining whether a particular one of the identified service and entitlement control message packet identifier pairs is associated with one of a conditional access entitlement control message of a service provider and a local entitlement control message of a local network based on a predefined convention related to an ordering of the service and entitlement control message packet identifier pairs within the datastream;

acquiring data packets associated with the service and entitlement control messages in response to the packet identifier pairs m (claim 8);

determining a decryption key in response to the acquired data packets (col. 17 lines 20-43, and col. 9 lines 20-57);

decrypting the data packets having service data in response to the decryption key (col. 17 lines 20-43, col. 15 lines 1-16, and col. 9 lines 20-57).

Wasilewski fail to explicitly teach wherein each first one of the received pairs includes a conditional access entitlement control message identifier and a second one of the received pairs includes a local entitlement control message identifier.

However Fernsehens addresses the problem of providing a subscriber with content from different providers wherein conditional access has to be carried out according to respective different systems and/or simulcrypt/Multicrypt and discloses a user receiving with a single set top box the program selections of several providers, who themselves encrypt according to different methods (page 4 par. 2 of applicant provided English translation paper).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify the teachings of Fernsehens within the system of Wasilewski because it is very well know to have more than one identifier or a pair of identifier of ECM conditional access in a method of broadcasting and they are analogous in digital broadcasting. One would have been motivated to modify the teachings of providing multiple ECMs and including LECM in the multiple ECMs because it would have a different service ECM.

As per claims 2, and 5, Wasilewski and Fernsehens teach all the subject matter as described above. In addition Wasilewski teaches the method, wherein the predefined convention is dependent upon an order in which the pairs are sent to the securely device (col. 5 lines 44-58).

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As per claim 3, Wasilewski and Fernsehens teach all the subject matter as described above. In addition Wasilewski teaches the method, wherein each of the received pairs is either associated with a conditional access (CA) system or extended conditional access (XCA) System (col. 5 lines 31-51).

As per claim 7, Wasilewski and Fernsehens teach all the subject matter as described above. In addition Wasilewski teaches the method, wherein each of the received pairs further includes a service identifier (col. 5 lines 44-51).

As per claim 8, Wasilewski and Fernsehens teach all the subject matter as described above. In addition Wasilewski teaches the method, wherein the predefined convention defines a first of the pairs to be received to include the service identifier and local entitlement control message identifier (col. 5 lines 44-51, and col. 7 lines 3-7).

As per claim 9, Wasilewski and Fernsehens teach all the subject matter as described above. In addition Wasilewski teaches the method, wherein at least a portion of the data is secured using one of a plurality of conditional access systems (col. 5 lines 37-43).

As per claim 10, Wasilewski and Fernsehens teach all the subject matter as described above. In addition Wasilewski teaches the method, wherein at least one of the conditional access systems is associated with a broadcaster of the program and at least a second of the conditional access

systems is associated with an access device, communicable with the present device (col. 7 lines 66-68).

As per claim 11, Wasilewski and Fernsehens teach all the subject matter as described above. In addition Wasilewski teaches the method, wherein the presentation device is a digital television, and the access device is a set-top box in combination with a second security device (col. 7 lines 66-68).

As per claim 12, Wasilewski and Fernsehens teach all the subject matter as described above. In addition Wasilewski teaches the method, further comprising:

- the security service communicating interface protection related information and conditional access related information to the audio/video processing device (fig. 1 element 2 and fig. 5 element 90 and 94); and,

- the audio/video processing device parsing a program map table using the communicated conditional access information and stored conditional access information (col. 12 lines 27-58);

- wherein the program map table associates packet identifiers with corresponding service information (col. 12 lines 27-58).

As per claim 13, Wasilewski and Fernsehens teach all the subject matter as described above. In addition Wasilewski teaches the method, wherein the security device uses packet identifiers to identify which of the packets contains entitlement control message data suitable for descrambling the data indicative of the program (col. 9 lines 20-57).

Regarding claim 14, Wasilewski and Fernsehens teach all the subject matter as described above. In addition Wasilewski teaches the method, wherein at least some of said entitlement control messages are local entitlement control messages which include at least a field for identifying said local entitlement control message and a field for conditional access identification, and descrambling said service by accessing an appropriate key in said data using information included in at least one of said field for identifying said local entitlement control message and said field for conditional access identification (Wasilewski col. 5 lines 60-62, col. 6 lines 65-col. 7 lines 7, and col. 14 lines 45-61).

As per claims 15, Wasilewski and Fernsehens teach all the subject matter as described above. In addition Wasilewski teaches the method, wherein at least one portion of the data is indicative of at least one program (fig. 1 element 2).

As per claim 16, Wasilewski and Fernsehens teach all the subject matter as described above. In addition Wasilewski teaches the method, wherein the data is communicated via a digital transmission system (fig. 2, and col. 7 lines 66-68).

Regarding claim 20, Wasilewski and Fernsehens teach all the subject matter as described above. In addition Wasilewski teaches the method, wherein the local entitlement control message includes a rebundled scrambling key that is based on the scrambling key associated with the conditional access entitlement control message (col. 9 lines 7-58).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kravitz et al. **USPN 6,738,905 B1**: discloses a method for distributing broadcasting contents from content providers to subscribers by generating multiple ECMs in a single stream (see, fig. 8).

Vigarié **USPN 6,307,939 B1**: discloses "simulcrypteur" set-top box apparatus and television signals.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eleni A. Shiferaw whose telephone number is 571-272-3867. The examiner can normally be reached on Mon-Fri 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R. Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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E.S.
Eli Seg
April 26, 06

CHRISTOPHER REVAK
PRIMARY EXAMINER

Cell 4/26/06